

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VINCENT DOLAN, Individually and on  
behalf of himself and all others similarly  
situated,

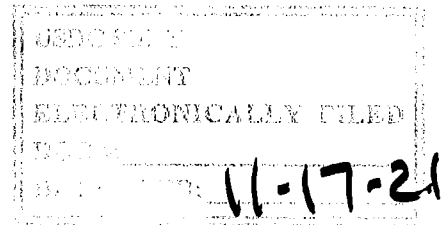
Plaintiff,

v.

UNITED SERVICES AUTOMOBILE  
ASSOCIATION,

Defendant.

Case No. 7:21-cv-05813-VB



CHRISTINE MAPES, Individually and on  
behalf herself and all others similarly  
situated,

Plaintiff,

v.

UNITED SERVICES AUTOMOBILE  
ASSOCIATION,

Defendant.

Case No. 7:21-cv-07853-VB

~~[PROPOSED]~~ ORDER CONSOLIDATING ACTIONS, APPOINTING CO-LEAD  
INTERIM CLASS COUNSEL, AND SETTING A BRIEFING SCHEDULE

THIS MATTER, having come before the Court by the Plaintiffs in the above-captioned cases by their Unopposed Motion for Consolidation Pursuant to FED. R. CIV. P. 42 and Appointment of Co-Lead Interim Class Counsel Pursuant to FED. R. CIV. P. 23(g), and supporting materials, and the Court having read the papers, **IT IS ORDERED** that the Motion is **GRANTED** as set forth below:

1. The Court hereby consolidates *Dolan. v. United Services Automobile Association*, 7:21-cv-05813 (the “*Dolan* Action”) and *Mapes v. United Services Automobile Association*, 7:21-cv-07853 (the “*Mapes* Action”) (collectively, the “Class Actions”), as well as any future related actions, under the docket number of this, first filed case: 7:21-cv-05813 (collectively the “Related Actions”), and under the new title “*In re USAA Data Security Litigation*, 7:21-cv-05813-VB (S.D.N.Y.)” (the “Consolidated Action”).

2. All papers previously filed and served to date in the Class Actions are deemed part of the record in the Consolidated Action.

3. The Court hereby appoints Gainey McKenna & Egleston, Carlson Lynch LLP, and Lowey Dannenberg, P.C. as Co-Lead Interim Class Counsel to act on behalf of the Plaintiffs in the Consolidated Action, and the putative Class, with the responsibilities set forth below:

- a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial proceedings;
- b. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs and the putative Class consistent with the requirements of the Federal Rules of Civil Procedure;
- c. Convene meetings amongst counsel;
- d. Conduct settlement negotiations on behalf of Plaintiffs and the putative Class;
- e. Negotiate and enter into stipulations with opposing counsel as necessary for the conduct and efficient advancement of the litigation;
- f. Monitor the activities of all counsel to ensure that schedules are being met and unnecessary expenditures of time and funds are avoided;

- g. Perform such other duties as may be incidental to the proper coordination of Plaintiffs' pretrial activities or authorized by further order of this Court;
- h. Serve as the primary contact for communications between the Court and other Plaintiffs' counsel;
- i. Ensure that all notices, orders, and material communications are properly distributed (to the extent that they are not otherwise served on Plaintiffs' counsel *via* the Court's electronic filing system);
- j. Communicate with Defense counsel as necessary to promote the efficient advancement of this litigation;
- k. Make available to other Plaintiffs' counsel documents produced by the Defendant; and
- l. Allocate attorneys' fees.

4. Co-Lead Interim Class Counsel shall have sole authority to communicate with Defendant's counsel and the Court on behalf of any Plaintiff unless that authority is expressly delegated to other counsel. Defendant's counsel may rely on all agreements made with Co-Lead Interim Class Counsel, and such agreements shall be binding on all other Plaintiffs' counsel.

5. This Order shall apply to each action arising out of the same or substantially the same transactions or events, including any such action filed prior to entry of this Order. If a case which relates to the subject matter of the Consolidated Action is or has been filed in this Court or transferred or removed here from another court (a "Subsequent Action") the Court will direct the Clerk to:

- i. File a copy of this Order in the separate file for the Subsequent Action;

- ii. Consolidate the Subsequent Action with this Consolidated Action by transferring the cases to the docket for this action, *In re USAA Data Security Litigation*, 7:21-cv-05813-VB (S.D.N.Y.); and
- iii. Close the docket for the Subsequent Action.

6. The Court shall enter a Case Management Order as soon as practicably possible.

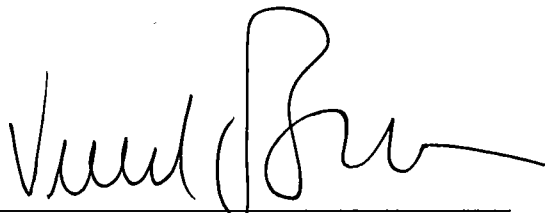
7. Plaintiffs in the Consolidated Action shall file an operative, consolidated complaint within fourteen (14) days of this Order.

8. Defendant shall have 21 days from the date on which Plaintiffs file the consolidated complaint to file a response thereto.

9. ~~In the event that Defendant's response is a motion to dismiss, Plaintiffs shall have \_\_\_\_\_ days to file their opposition brief, and Defendant shall have \_\_\_\_\_ days to file their reply brief.~~

SO ORDERED.

DATED: 11/16/2021

  
HON. VINCENT L. BRICCETTI, U.S.D.J.

9. The clerk shall terminate Doc. #13 in case no. 21 CV 5813.